



**Linda S. Adams**  
Secretary for  
Environmental Protection

# Air Resources Board

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**Mary D. Nichols, Chairman**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



**Arnold Schwarzenegger**  
Governor

October 19, 2009

Dear Sir or Madam:

The staff of the California Air Resources Board (ARB or Board) invites you to participate in a public workshop to discuss proposed amendments to the Statewide Portable Equipment Registration Program (Statewide PERP) Regulation and the Airborne Toxic Control Measure (Portable Engine ATCM) for Diesel Fueled Portable Engines. The public workshop will be held at the time and location below:

**DATE:** Monday, November 9, 2009  
**TIME:** 1:30 p.m. – 4:00 p.m.  
**LOCATION:** California Environmental Protection Agency  
Sierra Hearing Room  
1001 I Street  
Sacramento, CA 95812

The Health and Safety Code authorizes ARB to adopt regulations for the control of toxic air contaminants. In August of 1998, ARB declared diesel particulate matter to be a toxic air contaminant. The Board adopted the Portable Diesel Engine Airborne Toxic Control Measure in February 2004. The Portable Engine ATCM is part of ARB's Diesel Risk Reduction Program designed to reduce diesel particulate matter.

ARB is authorized by California Health and Safety Code sections 41750 through 41755 to adopt a regulation to establish a uniform statewide program for the registration and regulation of portable engines and portable engine-driven equipment units. The regulation establishes a voluntary program to register portable equipment in California in lieu of obtaining permits from air districts. Portable engines include a wide variety of engine types and uses. A portable engine may provide primary power to a piece of equipment or it may serve as an auxiliary engine.

## BACKGROUND

The Portable Engine ATCM contains a requirement that all diesel engines operating in California must be certified to an off-road emission standard as of January 1, 2010, except for those engines designated as emergency use or low use. This requirement was first established in 1997 as part of the Statewide PERP, giving businesses a maximum of 13 years to plan for their replacement. This requirement is now contained in the Portable Engine ATCM, so that it affects all diesel engines statewide.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

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California Environmental Protection Agency

In recent months, members of the regulated community that own portable diesel engines have expressed to ARB staff and the local air districts that compliance with this requirement will result in undue financial hardship due to the current economic recession. The main issue raised was that the cost of replacing these older engines will put a financial burden on businesses when they are currently struggling to survive.

Staff will present to the Board in January of 2010 proposed amendments to the Statewide PERP Regulation and the Portable Engine ATCM. These proposed amendments would extend the deadline for replacement of certain non-certified engines, as well as modifying the recordkeeping and reporting requirements of the Statewide PERP to be more practical and enforceable. ARB staff is also proposing some minor revisions that are intended to provide additional clarity and expediency to the Statewide PERP Regulation and Portable Engine ATCM.

## **DESCRIPTION OF THE PROPOSED REGULATORY ACTION**

ARB Staff is considering the following amendments to allow certain engines to register that would not otherwise qualify. They would also provide regulatory relief for affected industry relative to the availability, sale, purchase, and registration of complying engines.

### *Non-certified Engine Extension*

ARB staff proposes to allow smaller companies, which are more severely affected by the current economic recession, to choose certain uncertified engines to operate for one additional year beyond the current date. Under this proposal, companies that own a total of 25 or fewer portable engines would be able to choose either one engine of any size, or alternately, select up to 5 engines not to exceed 500 total bhp. These companies would have to specifically select which engines they want to receive the extension. These engines would have to be previously registered in PERP or permitted by a local air district.

### *Marine and On-Highway Engines*

ARB staff is proposing to allow engines that are certified to the on-highway emission standards (40 CFR part 86) and those engines certified to marine emission standards (40 CFR part 94) to be eligible for registration in PERP. ARB staff is also proposing to amend the Portable Engine ATCM to allow on-highway engines to operate beyond January 1, 2010 if used in a portable application.

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*Miscellaneous Amendments*

ARB staff is proposing the modification, addition, and deletion of terms in the definitions section, deletion of outdated provisions, improvements to PERP recordkeeping and reporting requirements, and minor clarifications where needed. These changes are considered to be non-substantive and are intended to provide additional clarity, enforceability, and expediency to the Statewide PERP Regulation and the Portable Engine ATCM.

At the workshop, staff will discuss the staff proposal to be presented at the March Board hearing. The staff proposal will be available on the program website at <http://www.arb.ca.gov/portable/portable.htm>.

As a result of ARB's continuing effort to increase accessibility and public participation, the public workshop will be broadcast on the internet at [http://www.arb.ca.gov/app/calendar/cal\\_wbcst.php](http://www.arb.ca.gov/app/calendar/cal_wbcst.php).

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance, or contact the ADA coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://www.arb.ca.gov/as/eeo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

If you have questions about the public workshop or future activities related to the Statewide PERP Regulation and the Portable Engine ATCM, please contact Mr. Joseph Gormley at (916) 322-5616 or via email at [jgormley@arb.ca.gov](mailto:jgormley@arb.ca.gov).

Sincerely,

Jorge Fernandez, Chief  
Program Evaluation Branch  
Stationary Source Division